IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL ACTION NO. 5:13-CR-00072-KDB-DSC

UNITED STATES OF AMERICA,)))	
v.)) ORDI	<u>ER</u>
REGINALD LAMORAS BROWN,)	
Defendant.)	
20000000)	

THIS MATTER is before the Court on Defendant's *pro se* Motion to "Receive Jail Time Credit." (Doc. No. 73). Defendant asks that she receive jail credit for the time she was in federal custody awaiting sentencing. *Id.* at 1.

The Attorney General (not the sentencing court) is responsible for computing a prisoner's credit. *See United States v. Wilson*, 503 U.S. 329, 335, 112 S. Ct. 1351, 117 L. Ed. 2d 593 (1992) (explaining that the Attorney General, through the Bureau of Prisons ("BOP"), and not the sentencing court, calculates credit for time served); *United States v. Monts*, No. 3:19-cr-00377-MOC-DCK, 2022 U.S. Dist. LEXIS 214178, at *2 (W.D.N.C. Nov. 28, 2022); *see also* 18 U.S.C. § 3585(b). A prisoner seeking review of the computation of her sentence credit must first seek administrative review of that computation through the BOP. Only after such administrative remedies have been exhausted can a prisoner then seek judicial review of her sentence computation. *Id*.

Further, because "[a] claim for credit against a sentence attacks the computation and execution of a sentence rather than the sentence itself," *United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989), such claims must be raised pursuant to 28 U.S.C. § 2241 in the district of

confinement. *In re Jones*, 226 F.3d 328, 332 (4th Cir. 2000); *see also Thomas v. Whalen*, 962 F.2d 358 (4th Cir. 1992); 28 U.S.C. § 2241(a). Accordingly, Defendant should address her inquiries regarding the status of her sentence to the BOP. Once her administrative remedies have been exhausted, she may seek judicial review in the district of confinement through a § 2241 motion.¹

IT IS THEREFORE ORDERED that Defendant's *pro se* Motion to "Receive Jail Time Credit," (Doc. No. 73), is **DENIED**.

Signed: January 18, 2023

Kenneth D. Bell

United States District Judge

¹ Defendant is currently confined in FCI McDowell which is located in the Southern District of West Virginia.